



W.P.(MD)No.28698 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.28698 of 2024

Kanakka Thevar

... Petitioner

/Vs./

1. The Tahsildar,
Peraiyur Taluk,
Peraiyur,
Madurai District.

2. The Surveyor,
Taluk Office,
Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to survey and demarcate the properties comprised in S.No.673/14 to an extent of 0.01.72 situated at Elumalai Village, Peraiyur Taluk, Madurai District by considering the petitioner's representation dated 04.10.2024.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.S.Kameswaran
Government Advocate



W.P.(MD)No.28698 of 2024

WEB COPY

ORDER

The Writ Petition has been filed seeking limited relief of Writ of Mandamus, to direct the respondents to survey and demarcate the properties comprised in S.No.673/14 to an extent of 0.01.72 situated at Elumalai Village, Peraiyur Taluk, Madurai District.

2. Considering the limited scope of the prayer sought for in the writ petitioner, by consent of both parties, the Writ Petition is taken up for final disposal.

3. It is the grievance of the petitioner that the petitioner has made a representation on 04.10.2024, seeking to survey and demarcate his properties comprised in S.No.673/14. The said application is pending without passing any orders there on.

4. The learned Government Advocate appearing for the respondents on instructions submitted that the survey would be conducted within a period of four weeks from the date of receipt of a copy this order.



W.P.(MD)No.28698 of 2024

WEB COPY

5. I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. At this juncture, on noticing the judgement of this Court in S.A.(MD).No.456 of 2019, dated 29.11.2023, I find that this court had also directed that the authorities have to conduct the survey in order to remove encroachment if any. It is only in the light of the said judgement of this Court, the application for survey has been made. In view of the above, there can be no impediment for the respondents carrying out survey based on the petitioner's application dated 04.10.2024.

7. Considering the representation of the learned Government Advocate this Court is inclined to pass the following order:

a) The respondents shall conduct survey after putting on notice to the petitioner and any other interested parties and pass final orders regarding surveying and demarcating the property belonging to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.



W.P.(MD)No.28698 of 2024

WEB COPY

b) It is open to the respondents to seek police protection from the police officials, in the event of they apprehending any breach of peace at the time of survey and on such request made by the respondents to the jurisdictional police station, the police officials may arrange sufficient police protection at the time of conducting survey.

8. With the above said directions, the Writ Petition is disposed of.

No costs.

Index : Yes / No
NCC : Yes / No
gvn

18.02.2025



WEB COPY



W.P.(MD)No.28698 of 2024

TO:-

1. The Tahsildar,
Peraiyur Taluk,
Peraiyur,
Madurai District.

2. The Surveyor,
Taluk Office,
Peraiyur Taluk,
Madurai District.



WEB COPY



W.P.(MD)No.28698 of 2024

P.B. BALAJI, J.

gvn

Order made in
W.P.(MD)No.28698 of 2024

Dated:
18.02.2025